



Homeland
Security

July 18, 2013

Shawn Musgrave
MuckRock News
DEPT MR 6251
P.O. Box 55819
Boston, MA 02205-5819

Re: **2013-HQFO-00820**

Dear Mr. Musgrave:

This letter acknowledges receipt of your July 12, 2013, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), for all emails sent by or to Secretary Napolitano and her executive staff from April 1, 2013, to July 18, 2013, regarding Secretary Napolitano's resignation from DHS, using the following search terms: resign, resignation, quit, step down, UC, University of California, successor. This office received your request on July 15, 2013.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. As the subject matter of your request is of substantial interest to another agency or office of DHS, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, DHS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

As it relates to your fee waiver request, I have reviewed your letter thoroughly and have determined that you have not presented a convincing argument that MuckRock is entitled to a blanket waiver of fees.

The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant;"
- (5) Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

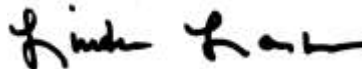
As a requester, you bear the burden under the FOIA of showing that the six fee waiver requirements have been met. Based on my review of your July 12, 2013, letter and for the reasons stated herein, I have determined that your fee waiver request is deficient. Your letter does not address how the requested records concern the operations or activities of the government, whether the disclosure is likely to contribute to an understanding of government operations or activities, and it does not adequately describe how or even whether the contribution to the public understanding of this topic would be "significant." Further, it is unclear whether or not MuckRock's commercial interest would be furthered by the requested disclosure. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any further fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2013-HQFO-00820**. Please refer to this identifier in any future correspondence. You may contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,



Linda Lasko
FOIA Program Specialist